ULASAN BUKU / BOOK REVIEW


The subject of fatwa is not new when it comes to deal with its role, significance and conditions. With exception to contemporary development of fatwa especially in term of its role in and effect to Muslim societies and state, this 656 page book containing many of the points discussed elsewhere. Probably the difference is on the style and choices of chapter arrangement which can be said to have made reading easier and more organized. On this aspect, the author has done a satisfactory task. Since most of the content would be something of familiar to seasoned readers and academics, the explanation is therefore largely descriptive.

The book is divided into three main divisions namely: introduction to the study of fatwa from theological point of view (145 pages), conditions of fatwa which takes most of the book’s content (400 pages) and 30 pages on effect of the fatwa. As such, the number of pages between these divisions is hugely imbalanced. All divisions are again sub-divided into small sub topics, the arrangement of which is made based on the actors of the fatwa namely; Mufti (the jurist-consult) and Mustafti (the petitioner) especially in the two last divisions.

Based on the title of the book, the author attempted to deal with the subject comprehensively especially relating its core discussion on fatwa with its historical importance and practical impact. Although to the best of his attention to offer new perspective, the discussion on historical part is not uncommon to expert readers except with minor inclusion
of later development in some of the Muslim countries particularly Saudi Arabia. In this respect, the author has included description on the background and function of certain modern fatwa bodies around the Muslim worlds including that of Malaysia albeit superficially. Among noticeable absence are fatwa bodies in Indonesia and commercial bodies such as AAOFFI. Of late, all these fatwa bodies are subject of perusal and research among scholars where some articles and books of importance have been published. Similarly the author appears to give less attention to fatwa bodies in Muslim-minority countries (p.388).

The author refreshes some of the points of contemporary fatwa or *ijtihad* such as the needs for specialized *mujtahid* or *tajjazu‘ fi al-ijtihad*, knowledge of modern sciences such as mathematics, acceptance of wages and gifts, Mufti needs to be trained, etc. Nevertheless, it is interesting to note here that the author is of the view that although women can pronounce fatwa, she cannot be appointed as an official Mufti as the position involves authority or *wilayah* (at p.202) and in some jurisdiction because the position involves official functionaries in which only male office-bearing is appropriate, such as to lead prayers and recitation of *du‘a*. The author supports Ibn Taymiyya’s view on the use of intuition as one of the way to solve conflicting proofs of legal rulings (at p.254). This position needs to be viewed in context since intuition is against objective and scientific methodology of Islamic law, especially when it involves public interest. The best that can be justified to support on the use of intuition, as shown by the author, is in the selection among opinions that are of equal weight. One important point discussed both positively and morally correct is that the implementation of Shariah as a result of the fatwa, that consideration must be given to its appropriateness depending on social and practical acceptance. Thus the author is of the view that if such an implementation would bring about great harm, then it is better to suspend it (at p.272). The author also summarizes some important considerations that a Mufti needs to be aware of or requires to possess especially when such an office is constantly under pressure and demand from either public or government to provide solution or answer, namely that of depth knowledge of the subject especially so when questions pertaining to transactions and new type of contracts, not choosing fatwa that suits the desire of the petitioner especially the political authority and lastly issuing fatwa rigidly by solely rely on the past literature without due consideration to the current changes and needs (p.275).
Other contemporary issue discussed is the management of fatwa. The presentation is through historical approach by analyzing what was done in the past especially during the Ottoman until the present date (p.458). One of the interesting points mentioned under this heading the effect and role of fatwa and Mufti in politics. The stance taken by the author is that Mufti should distance from the political authority. This is not something new, but given on the current circumstance of global Islamic politics, it is an opportunity that the author should further analyze on the role of fatwa and Mufti vis-à-vis international issues such as terrorism, Palestinian-Israeli peace plan, Islamic phobia etc.

One of the themes that the author appears to emphasize is the appreciation local needs and solutions in issuing fatwa. Thus the author is of the view that an answer in fatwa should be first considered by local scholars first. Although admittedly, because of the use of technology in communication, questions can be asked from any scholar around the globe, but from the ethical point of view, as discussed, it is appropriate to allow or to request the question being firstly locally resolved (p.511). It is accepted that some of the answers given by scholar who is not familiar with local problems has sometimes created tension and disagreement among the locals. This is obviously true in countries such as Malaysia where religious leaders of the middle east are often consulted in local matters and the answers given have been then used by the respecting parties to promote their own agendas or aims.

The methodology used by the author in presenting the facts and arguments is acceptable by normal standard of Islamic academic writing. The facts and arguments are based on Arabic traditional writing materials and supported by texts from the Quran and Hadith through content analysis. The author appears to have referred quite frequently to Ibn al-Qayyim and Ibn Taymiyyah writings in supporting his view. Since some of the issues discussed are current, it would be better if these arguments are supported by empirical evidence or at least cross reference to other studies. This is particularly true when the author discussing the effect of fatwa upon society (p.562-565). By including this evidence this book would be both intellectually stimulated and enjoyable to read.

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